

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

BRIAN BONNER,

Plaintiff,

CASE NO. 17-11694

HON. DENISE PAGE HOOD

v.

HEIDI E. WASHINGTON *et al.*,

Defendants.

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**OPINION AND ORDER ADOPTING REPORT AND  
RECOMMENDATION [#75] TO GRANT DEFENDANTS' MOTION FOR  
SUMMARY JUDGMENT [#42], AND DENYING VARIOUS MOTIONS AS  
MOOT [#52; #57; #61; #62; #63; #66]**

**I. BACKGROUND**

This matter is before the Court on a Report and Recommendation (Doc # 75), filed by Magistrate Judge Mona K. Majzoub, to grant the Motion for Summary Judgment filed by Defendants Cemiyen Shileds (“Shields”), Wing Lam (“Lam), Brian Webb (“Webb”), Kenneth Coolbaugh (“Coolbaugh”), Robert Stolark (“Stolark”), Joesph Niemiec (“Niemiec), and Stacie Burns (“Burns”) (collectively, “Defendants”). (Doc # 42) To date, Plaintiff Brian Bonner (“Bonner”) has failed to file objections to the Report and Recommendation and the time to file objections has passed. The Court **ACCEPTS** and **ADOPTS** the Report and Recommendation, **GRANTS** Defendants’ Motion for Summary Judgment, **DENIES** Plaintiff’s

outstanding motions as Moot, and this action is **DISMISSED WITHOUT PREJUDICE**.

The background facts of this case are sufficiently explained in the Magistrate Judge's Report and Recommendation, and the Court adopts those facts here.

## **II. ANALYSIS**

The District Court's standard of review when examining a Report and Recommendation is established in 28 U.S.C § 636. This Court "shall make a *de novo* determination of those portions of the report or the specified proposed findings or recommendations to which an objection is made." 28 U.S.C. § 636(b)(1)(C). A magistrate judge "shall file his proposed findings and recommendations . . . with the court;" and the court has discretion to "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." *Id.* To appeal a magistrate judge's recommendation, it is the party's responsibility to file written objections to such proposed findings and recommendations within fourteen (14) days of receiving the Report and Recommendation. Fed. R. Civ. P 72(b)(2). A party shall file objections with the district court or else waive right to appeal. *Thomas v. Arn*, 474 U.S. 140, 145, 106 S. Ct. 466, 470, 88 L. Ed. 2d 435 (1985); *United States v. Walters*, 638 F.2d 947, 950 (6th Cir. 1981).

The Court agrees with the Magistrate Judge's findings and conclusions in the Report and Recommendation. The Court finds that the Magistrate Judge was correct

in determining that Bonner failed to properly comply with the requirements of the Michigan Department of Corrections (MDOC) grievance policies.

Accordingly,

**IT IS HEREBY ORDERED** that Magistrate Judge Mona K. Majzoub's Report and Recommendation (Doc # 72) is **ACCEPTED** and **ADOPTED** as this Court's findings of fact and conclusions of law.

**IT IS FURTHER ORDERED** that Defendants' Motion for Summary Judgment (Doc # 42) is **GRANTED**.

**IT IS FURTHER ORDERED** that Plaintiff Brian Bonner's various outstanding motions (Doc # 52, Doc # 57, Doc # 61, Doc # 62, Doc # 63, and Doc # 66) are **DENIED** as **MOOT**.

**IT IS FURTHER ORDERED** that Plaintiff's complaint is **DISMISSED WITHOUT PREJUDICE**.

DATED: July 31, 2018

s/Denise P. Hood  
DENISE PAGE HOOD  
United States District Judge

## **CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on July 31, 2018.

s/Keisha Jackson  
Case Manager